

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.5750 of 2018

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Mines & Industries, Irrigation and Revenue respectively on behalf of the respondent Nos.1 to 5 and perused the prayer in the writ petition with the supporting affidavit and the written instructions received by the learned Government Pleader for Mines.

2. The prayer in the writ petition reads as follows:

“.....to issue a Writ of mandamus or any other appropriate writ, order or direction, declaring the action of the respondents in not stopping the illegal sand quarrying in the patta lands of the petitioner to an extent of Ac.8.43 cents in Sy.Nos.492, 493, 494, 495, 504 of Gopalapuram village, Ravulapalem Mandal, East Godavari District as illegal, arbitrary and in violation of Article 14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to allow the illegal sand quarrying in the lands of the petitioner to an extent of Ac.8.43 cents in Sy.Nos.492, 493, 494, 495, 504 of Gopalapuram village, Ravulapalem Mandal, East Godavari District forthwith and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

3. The written instructions are very clear that as per the Government Free Sand Policy, which is in implementation in the East Godavari District, within which Reach the Gopalapuram village of Ravulapalem Mandal situate, the Line Department officials of Ground Water & Water Audit Department, Rajamahendravaram, Mines and

Geology Department, Rajamahendravaram, Irrigation Department of Gopalapuram and Revenue Departments of having conducted joint inspection on 03.02.2017 at Gopalapuram Sand Reach and from the Chainage of the Sand Reach from 28.600 to 33.400 and Ramp Point at 32.900 to 33.600 km, the officials furnished the thickness of the sand deposits between the Chainage supra and it is in the Government land shown by the Revenue Department, permission is accorded for excavations between the allotted following four Geo-coordinates with a depth of 1 metre as per the A.P. Water, Land and Trees Act, 2002, in furnishing the Latitude and Longitude from N 16° to E 81° respectively. It is the further written instruction submission that the District Collector issued environmental clearance for the Gopalapuram Sand Reach for one year from 17.02.2017 to 16.02.2018 and after obtaining CFE & CFO, the Sand Reach is operated under the control of Mandal Level Task Force Team under the supervision of Revenue Divisional Officer, Amalapuram, and the sand excavations are conducted in the Government lands allotted by the Revenue Divisional Officer in between the allotted Geo-coordinates supra and the Sand Reach was stopped due to expiry of EC, CFE & CFO and after 16.02.2018, there is no sand excavation is going on in the Government Sand Reach.

4. Having regard to the above and from the written instructions are very clear that they are excavating the Sand subject to EC, CFE & CFO clearances only from the government land shown by the

Revenue Divisional Officer and not by interfering with the so-called private land of the petitioner, if any.

5. By recording the same, the writ petition is disposed of. Needless to say, the petitioner can apply to the Revenue Divisional Officer for conducting a survey in the presence for any demarcation of the property required on showing any private land of the petitioner in and nearby the Government Sand Reach.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

21st February 2018

mar

Dr. B. SIVA SANKARA RAO, J

